

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-180—sSB 1044

Select Committee on Children

Judiciary Committee

Human Services Committee

AN ACT CONCERNING NOTIFICATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES WHEN A YOUTH IS ARRESTED FOR PROSTITUTION AND OUT-OF-STATE PLACEMENTS OF CHILDREN AND YOUTH

SUMMARY: This act requires a police officer who arrests a 16- or 17-year-old on prostitution charges to report suspected child abuse or neglect to the Department of Children and Families (DCF).

It also requires the court to make certain findings of compliance with the Interstate Compact on the Placement of Children (ICPC) in connection with (1) an out-of-state adoption when terminating parental rights or (2) an out-of-state placement after committing a child to DCF in neglect and abuse cases.

EFFECTIVE DATE: October 1, 2011

ARREST ON PROSTITUTION CHARGES

When a 16- or 17-year-old is arrested on prostitution charges, the act requires the police officer to report to DCF in accordance with the child abuse reporting law, which outlines report contents and imposes filing deadlines. By law, a police officer is a mandated reporter who must report suspected child abuse or neglect to DCF and is subject to penalties for failure to do so.

Under the act's requirement for a report on a prostitution arrest, an officer must make an oral report as soon as practicable, but within 12 hours (presumably of the arrest), and a written report within 48 hours after making the oral report.

COURT FINDINGS REGARDING CHILD PLACEMENT

Under the act, before a Superior or probate court places or approves a child for adoption outside the state or a Superior Court commits an abused or neglected child to an out-of-state DCF placement, the court must find that the placement complies with the ICPC (see BACKGROUND). In either case, the court's findings must include:

1. a finding that the state has received written notice from the receiving state that the proposed placement does not appear to be contrary to the child's interests,
2. the court has reviewed the notice,
3. whether the receiving state has completed the home study the compact requires or another home study, and
4. whether the receiving state's study supports the placement.

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Under the act, the Superior Court finding must be on the record; the probate court finding does not.

BACKGROUND

Interstate Compact on the Placement of Children

The ICPC governs placement of children into and out of Connecticut for adoption, foster care, and residence with relatives after court action. Its purpose is to facilitate home studies in the receiving state before placement and supervision after placement (CGS § 17a-175).

Under Article III (d) of the compact, “[t]he child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.”

OLR Tracking: RO:SP:JL:df